

EXHIBIT

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Notice of Lawsuit Seeking Alleged Unpaid Wages

Venclauskas v. Hillman Beer, LLC, et al., No. 1:24-cv-00204, United States District Court for the Western District of North Carolina.

To: ALL CURRENT AND FORMER SERVERS AND BARTENDERS OR OTHER SIMILAR EMPLOYEES PAID MINIMUM WAGE MINUS A “TIP CREDIT” WHO HAVE WORKED AT ANY OF THE THREE HILLMAN BEER, LLC LOCATIONS AT ANY TIME FROM March 4, 2022, UNTIL PRESENT.

1. Introduction

This Notice is to inform you about the existence of a collective action lawsuit, which you may join, to advise you of how your rights may be affected by this lawsuit, to inform you on how to participate, and to explain your obligations if you choose to participate.

Please note, the Court has not ruled on the merits of the lawsuit.

2. What is this case about?

On August 7, 2024, former server Logan Venclauskas filed a lawsuit against Hillman Beer, LLC, Greig Hillman, Bradley Hillman, and David May (collectively, “Hillman Beer”), on behalf of himself and all similarly situated individuals at each of Hillman Beer’s three locations. The Plaintiff alleges that:

- Hillman beer has failed to pay servers the full minimum wage, but has instead taken a “tip credit” and paid a tipped wage (e.g., \$2.15 per hour) for all hours worked up to 40 per workweek; and
- Hillman Beer has unlawfully taken a “tip credit” from servers’ wages because:
 1. It did not provide servers with proper notice of the federal tip credit laws, and
 2. It withheld tips to pay its own costs;

The Plaintiff claims that, because of these violations, Hillman Beer has not been permitted to pay servers \$2.15 per hour but instead should have paid \$7.25 per hour for all hours worked, in addition to tips withheld. Plaintiff seeks payment of unpaid back wages, plus other relief, including double damages, attorneys’ fees, and costs.

Hillman Beer denies the allegations and claims that it did not violate any wage and hour laws.

TO JOIN THIS LAWSUIT, YOU MUST SIGN AND RETURN THE ENCLOSED CONSENT TO JOIN FORM, POST-MARKED NO LATER THAN [SIXTY DAYS AFTER NOTICE DATE] TO THE PLAINTIFF’S ATTORNEYS AT THE ADDRESS LISTED BELOW.

IF YOU DO NOT WISH TO PARTICIPATE IN THE COLLECTIVE ACTION FILED BY LOGAN VENCLAUSKAS, YOU SHOULD NOT RETURN THIS FORM.

3. What are my options?

It is entirely your own decision whether to join this lawsuit. You have the following options:

| Action You Can Take | Effect |
|--|--|
| Ask to be included by completing the consent form at the end of this notice and mailing it to Plaintiff's counsel by [sixty days from date notice is sent]. | <p>Become part of the case.</p> <p>You will be bound by the outcome of this case, whether favorable or unfavorable. To the extent that they become available through a trial or a settlement in this case, you will be eligible to receive money or benefits. You give up your right to sue separately for the same federal law claims asserted in the lawsuit.</p> <p>Those who choose to opt in will be subject to all rights and obligations prescribed by the Federal Rules of Civil Procedure and Federal Rules of Evidence, such as the obligation to submit, before trial, to a deposition on oral examination, under oath, and respond to written requests for information including providing documentation that the opposing counsel may request, and to testify in person in federal court.</p> |
| Do nothing. | <p>Do not join the case.</p> <p>You keep your right to sue Hillman Beer on your own for the same federal claims asserted in this lawsuit. To the extent that they become available through a trial or a settlement in this case, you will not receive any money or benefits for the federal law claims in the lawsuit.</p> |

4. The Attorneys Involved

Plaintiff and any collective member who completes the form below are represented by Chestnut Cambronne, PA, and The Lyon Firm, ALC. You also have the right to obtain your own counsel and file an individual lawsuit.

You do not need to pay fees and expenses to Plaintiff's Attorneys. Instead, if they get money or benefits for the servers through this lawsuit, they will then ask that the Court to award fees and expenses to them separately. Should Plaintiff be unsuccessful, you may be required to pay a pro-rata share of Defendants' costs in defending the lawsuit.

The lawyers' contact information is:

Elizabeth Orrick
Chestnut Cambronne, PA
100 Washington Ave. South, Suite 1700
Minneapolis, MN 55401-2138
Telephone: 612-767-3614
Fax: (612) 336-2940
orrick@chestnutcambronne.com

You may contact the above lawyer for free to obtain more information about the lawsuit. You also have the right to obtain your own counsel and file an individual lawsuit. **You should not contact the Court to ask questions about the case.**

5. How do I join the Lawsuit?

To join the lawsuit, you must complete, sign, and deliver the Consent Form to Plaintiff's Attorneys in one of the following ways by [sixty days from date notice is sent]:

1. Fill out the enclosed "Consent Form."
2. Send Consent Form to Plaintiff's Counsel in any one of the following ways:
 - a. Mail it in the pre-addressed, stamped envelope,
 - b. Mail it in your own envelope to:

Elizabeth Orrick
Chestnut Cambronne
100 Washington Ave. South, Suite 1700
Minneapolis, MN 55401-2138

- c. Complete the Consent Form online at docusign.com/[REDACTED]/
- d. Scan it and email it to Elizabeth Orrick at eorrick@chestnutcambronne.com; or
- e. Fax it to Elizabeth Orrick at (612) 336-2940.

If your Consent Form is not postmarked/delivered by [sixty days from date notice is sent], you may be prohibited from participating in this lawsuit. If you do not promptly join this lawsuit, some or all of your claims may expire because of the statute of limitations.

Even if you timely return a Consent Form, your right to participate in the lawsuit is preliminary and will depend on a later determination by the Court whether you and the Plaintiff are actually "similarly situated" and therefore whether the case will continue as a collective action.

3. Can my employer fire me or retaliate against me if I join or participate in the lawsuit?

The law strictly forbids any employer from retaliating against you for participating in this lawsuit or filing a Consent Form. It is unlawful for Defendants to retaliate against you in any way, including by firing you, docking your pay, changing your hours or position, etc. If you experience any retaliation, you should report it immediately to Class Counsel (identified below).

4. No opinion expressed as to merits of lawsuit.

This notice is for the sole purpose of providing notice and information concerning the right to join the lawsuit. Although this notice and its contents have been authorized by the Court, the Court takes no position regarding the merits of Plaintiff's claims or Defendants' defenses.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:24-cv-00204-MR-WCM

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| Logan Venclauskas, <i>et al.</i> , on behalf of himself and all similarly situated individuals, | |
| Plaintiff, | Judge Martin Reidinger |
| v. | Magistrate Judge W. Carleton Metcalf |
| Hillman Beer, LLC, <i>et al.</i> , | |
| Defendants. | |

CONSENT TO JOIN ACTION

I hereby consent to opt-in to *Venclauskas, et al., v. Hillman Beer, LLC, et al.*, No. 1:24-cv-00204 (W.D.N.C.) to recover unpaid compensation, additional damages, attorneys' fees, and costs under the Fair Labor Standards Act, and be represented by Chestnut Cambronne and The Lyon Firm for purposes of bringing such action.

If I am not a named plaintiff myself, then I authorize the named plaintiff(s) to file and prosecute the above referenced matter in my name and on my behalf and designate the named plaintiff(s) to make decisions on my behalf concerning the litigation, including negotiation a resolution of my claims, and I understand that I will be bound by such decisions.

Signature

Address: _____

Name (Printed)

Phone: _____

Email: _____

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